



**Written Statement of Deborah Chalfie, Preservation Chair
Art Deco Society of Washington
to the
Montgomery County Council
April 25, 2023
Regarding
Planning Board Draft Amendment to the Master Plan for Historic Preservation
for Weller's Dry Cleaning**

Introduction

Council President Glass and Members of the Council, the Art Deco Society of Washington appreciates the opportunity to submit our written testimony on the Planning Board Draft. The Art Deco Society of Washington (ADSW) believes that **the temporary Planning Board's divided vote against designation of Weller's Dry Cleaning represented a grievous error, in that it flouted county law and ignored the overwhelming expert record in support of designation. ADSW urges the Council to correct this error and to amend the Master Plan for Historic Preservation to include Weller's.**

Founded in 1982, the Art Deco Society of Washington is a nonprofit membership organization covering the Washington DC region. Our mission is to foster awareness of, celebrate, and preserve the architectural, decorative, industrial, and cultural arts of the Art Deco era and adjacent modern movements of the 20th Century. ADSW has a solid record of leading or supporting historic preservation efforts within Montgomery County (e.g., Silver Theatre and Silver Spring Shopping Center, Silver Spring CBD Historic District, Polychrome Historic District, and others). More recently, ADSW actively participated in the process around the Silver Spring Downtown and Adjacent Communities Plan (SSDAC), during which we strongly and repeatedly supported the Plan's proposal to add Weller's to the Master Plan for Historic Preservation. We also defended the Plan's approach for keeping Fenton Village small and diverse: the small scale and affordability of the streamlined and midcentury modern buildings in Fenton Village are inextricably tied to the diversity that has flourished there. In addition, ADSW has played a first-hand role in promoting Silver Spring's Art Deco architecture as a commercial attraction, highlighting it in prior walking tours/bus tours, and organizing specific events such as a Polychrome House open house and our recent collaboration with AFI that drew a large crowd to celebrate vintage fashion and see a silent film in our historic Art Deco theater masterpiece.

Background

The Silver Spring Downtown and Adjacent Communities Plan singled out Weller’s Dry Cleaning for possible preservation protection. This was not in any way an afterthought; for more than 20 years, various county planning studies and surveys have identified Weller’s as a unique, historic building that should be on the County’s preservation agenda. The uncontested¹ inclusion of Weller’s in the SSDAC *at every stage* of the public process – recommended by Historic Preservation & Planning Staff, proposed by the Planning Board, approved by the County Council (including committee worksessions), and finally adopted by the M-NCPPC – represented a consensus by county officials that Weller’s is strongly deserving of consideration for placement in Master Plan.² Weller’s would have never been spotlighted and approved in the SSDAC unless there was widespread confidence that it met the criteria and there was agreed-upon support for its preservation.

Since the sector plan’s adoption, the Historic Preservation Commission (HPC) fulfilled its role by considering the thorough documentation presented and voting to recommend that the Weller’s building and sign be placed both on the Locational Atlas and in the Master Plan. It was the temporary, interim Planning Board that conspicuously fell down on the job. Despite repeated admonishments by Chair Zyontz and Senior Counsel Mills during the Planning Board worksession about the need for decisions to be grounded in the legal criteria specified in the historic preservation ordinance, and repeated “clarifications” by Historic Preservation staff about what is and is not within the purview of the Historic Preservation Commission, a bare majority of the temporary Board ignored the law and the merits, and allowed themselves to be swayed by emotion, red herrings, and extra-legal issues.

In his transmittal letter to President Glass, Chair Zyontz stated that while it is the “Board’s role under County code ... to apply historic criteria [for designation,] [t]he Council is *obliged to undertake its own review* of the historic criteria and the extent to which the proposed designation achieves the purpose of historic preservation.”³

ADSW addressed the merits of this proposed designation in our prior testimony.⁴ In this statement, we call your attention to the clearly erroneous decision of the temporary Planning Board, and urge the Council to indeed undertake its own review in accordance with local law. Once the Council understands how flawed the Planning Board Draft is, and considers the unanimous weight of expert evidence and opinion in favor of designation, we hope that the Council will stick with its determination in the SSDAC that Weller’s is deserving of inclusion in the Master Plan.

¹ It should be noted that the current owner of the Weller’s property purchased the property in June 2021. Thus, they already owned the building when the SSDAC Staff Draft, Public Hearing Draft, and Planning Board Draft were publicly released, not to mention the six-month period of public hearings, worksessions, and deliberations of this Council on the SSDAC. The owners did not contest the possible designation of Weller’s during this entire, highly publicized process.

² The sector plan’s support for designating Weller’s is not only reflected in the explicit provision for its evaluation and reference to adaptive reuse, it is also reflected in what was explicitly *not* in the plan. The SSDAC recommended redevelopment of the Safeway site catty-corner from Weller’s, and it specified certain opportunity sites and improvements for Fenton Village. However, neither the Weller’s corner lot nor *any part* of that east side stretch of Fenton Street in Fenton Village was slated for redevelopment. Instead, the plan called for keeping Fenton Village largely intact as a district hospitable to diverse small businesses – something the community overwhelmingly supported.

³ Letter from Jeffrey Zyontz, Chair, Montgomery County Planning Board, to Evan Glass, President, Montgomery County Council, Re: Planning Board Draft for the Edward U. Taylor Elementary School and Weller’s Dry Cleaning: An Amendment to the Master Plan for Historic Preservation (Feb. 24, 2023) (emphasis added).

⁴ ADSW’s testimony to the Planning Board, which addresses the merits regarding Weller’s satisfaction of the criteria and its inclusion in the Master Plan for Historic Preservation, is appended to this statement (Appendix).

The Interim Planning Board's Decision Disregarded the County Historic Preservation Ordinance and the Weight of Expert Evidence in Support of Designation

To be eligible for inclusion in the Master plan, a resource need only be found to meet *one* of the criteria spelled out in §24A-3(b) of the County code. The Designation Report⁵ and Public Hearing Draft⁶ on Weller's thoroughly and convincingly document the case that the Weller's building and sign meet at least *two* criteria for architectural and design significance. First, Weller's embodies the distinctive characteristics of a type, period or method of construction (criterion 2A), i.e., the midcentury modern style known as Googie architecture, characterized by cantilevered roofs, sharp angles, abstract shapes, bold colors, and integrated, eye-catching signage. Weller's and its clock-sign has all of this in spades. Second, Weller's meets criterion 2E, in that it represents an established and familiar visual feature of the neighborhood, community, or county due to its singular physical characteristic or landscape. Weller's has been a fixture of downtown Silver Spring since 1961. Love it, hate it, or everything in between, Weller's and its whimsical clock-sign are a familiar visual feature of Fenton Village.

Nevertheless, rather than applying the legal criteria, several members of the interim Planning Board invented their own. One Planning Board Member implied that because she had never heard of Googie architecture, it must not be significant or historic. Personal lack of knowledge about architecture does not mean that a resource does not meet the legal criteria. In response to the concern raised by preservationists that planners have been slow to recognize and appreciate midcentury modern architecture as "historic" and as a result, have regrettably permitted several midcentury buildings to be demolished, the Board Member argued that if the County was allowing these buildings to be demolished, they must not meet the criteria for historic preservation – otherwise the county would have preserved them! This argument commits too many fallacies of logic to count. The more likely (and persuasive) explanation for why these buildings are being permitted to disappear is because, as with Weller's, the Planning Board has failed miserably over the years to protect them, based on experience bias (something built while I've been alive can't be historic!) or personal style preferences (I think it's ugly), and deference toward developers.

Another Board Member stated that she would have voted in favor of Master Plan designation had the building not been painted over, simultaneously ignoring the designation criteria and rewarding an owner hostile to historic protection for having masked, but not irreversibly damaging or erasing, many of the building's historic elements during the period when the Planning Board was in disarray. Yet another Board Member went off on a tangent about a concern that, if Weller's was preserved, the owner would be required to undertake costly environmental remediation measures, when in fact, it's just the reverse: HPO staff reported that the state Department on the Environment had given the owner of Weller's a green light to operate in the building as is, and it is only if the owner *disrupts* the building's foundation by demolishing it that environmental issues arise. Besides being wrong-headed, the points made by these Board Members side-stepped the legal criteria for designation.

On the other side of the ledger was the overwhelming weight of unanimous expert opinion that Weller's meets the legal criteria and is indeed worthy of protection in the Master Plan. Beginning

⁵ Maryland Inventory of Historic Properties Form, Appendix 9, beg. at 45, in *Appendix: Weller's Dry Cleaning (#36-86-1)*, 8237 Fenton Street, Silver Spring, Md 20910, *Master Plan for Historic Preservation Designation Form*, December 2022, at 9-11, available at https://montgomeryplanningboard.org/wp-content/uploads/2023/02/3_Appendix.Weller.DesignationForm.pdf.

⁶ See Mont. Planning Dept., Edward U. Taylor Elementary School and Weller's Dry Cleaning: *An Amendment to the Master Plan for Historic Preservation: Public Hearing Draft*, at 34-35 (Jan. 2023), available at <https://montgomeryplanning.org/wp-content/uploads/2023/01/Taylor-Weller-Public-Hearing-Draft.pdf>.

with the survey undertaken by Potomac-Hudson Engineering in 2002 and continuing with Senior Planner Claire Kelly's of survey of *Montgomery Modern* architecture in 2015, to the study and designation report prepared by EHT Tracerics in 2020 in contemplation of the SSDAC, the HPO staff's reports and memos, and the HPC's decisions in 2022 and 2023 to recommend inclusion of Weller's in the Locational Atlas and the Master Plan, all of these experts have agreed that Weller's amply meets the criteria for historic designation and should be protected. In addition, county historic preservation groups like Montgomery Preservation Inc. and the Silver Spring Historical Society were joined by ADSW, Docomomo-DC, Preservation Maryland, and Alan Hess, an author and national expert in modern art architecture generally and Googie architecture in particular, all registering their support to the Planning Board for amending the Master Plan to list Weller's.

Yes, the new owner of the Weller's property objects to Master Plan protection for Weller's. However, there is nothing in the historic preservation ordinance that requires owner agreement with designation, or prevents designation in the event of disagreement. Many buildings in Silver Spring have been added to the Master Plan over even the vehement objections of the owners (e.g., the Silver Theatre & Silver Spring Shopping Center, the Canada Dry/Silverton Townhomes).

HPO staff and historic preservation groups have repeatedly pointed out that historic preservation is not an either-or choice – designation doesn't mean no change or no development. There are a multitude of local examples where historic buildings and facades have been preserved as part of a larger development.⁷ Creative adaptive reuse would enable the new owner of the Weller's property to *both* preserve Weller's *and* build apartments.

Conclusion

Weller's is an iconic specimen of midcentury Googie architecture, and it is a concrete connection to Silver Spring's and Montgomery's County's history and development. The criteria spelled out in the historic preservation ordinance are there to provide an objective framework for deciding what should be preserved, instead of allowing emotion on either side to dictate what gets preserved. The interim Planning Board's decision on Weller's was clearly erroneous. However, our historic preservation process is broken, and much more than Weller's is at stake. Mid-century modern Googie buildings like Weller's are now nearly extinct in Montgomery County. Over time, the cumulative effect of the Planning Board's consistent failure to preserve these buildings is that we lose an entire era of wonderful and cool of architecture, and an entire era of Silver Spring's history. ADSW urges the Council to correct course here and **list the Weller's Dry Cleaning building and signage in the County's Master Plan for Historic Preservation.**

Thank you for your consideration of our views. For further information, contact Deborah Chalfie, at dchalfie@adsw.org.

⁷ E.g., the Modena Reserve senior living development in Kensington preserved and adaptively reused two small historic buildings on that site; they are now a hair salon for residents and a café open to residents and the public alike. See first photo at <https://modenakensington.com/gallery/>. Roadside LLC, which recently purchased the Tastee Diner property, has already announced plans to adaptively reuse the historic diner building. See <https://www.washingtonpost.com/dc-md-va/2023/03/22/tastee-diner-closed/>. ADSW recently supported the adaptive reuse of a former duckpins bowling alley in DC that will house amenities for a new mixed use development in the Brookland neighborhood. See slide 14 at <https://app.box.com/s/dhn9muwq7e6fgor5v5v40hn1w7yanfma/file/1119009910564>.

APPENDIX



**Statement of Deborah Chalfie, Preservation Chair
Art Deco Society of Washington
Before the
Montgomery County Planning Board
February 23, 2023
Regarding
Listing of Weller's Dry Cleaning, 8237 Fenton Street, Silver Spring, MD
in the Master Plan for Historic Preservation and
the Locational Atlas & Index of Historic Sites**

Chairman Zyontz and Members of the Planning Board, the Art Deco Society of Washington appreciates the opportunity to testify, and we offer our **whole-hearted support for listing the Weller's Dry Cleaning building and signage in both the County's *Master Plan for Historic Preservation* and the *Locational Atlas & Index of Historic Sites*.**

Founded in 1982, the Art Deco Society of Washington (ADSW) is a nonprofit membership organization covering the Washington DC region. Our mission is to foster awareness of, celebrate, and preserve the architectural, decorative, industrial, and cultural arts of the Art Deco era and adjacent modern movements of the 20th Century. Architectural preservation is a core element of our mission. ADSW has a solid record of leading or supporting historic preservation efforts within Montgomery County (e.g., Silver Theatre and Silver Spring Shopping Center, Silver Spring CBD Historic District, Polychrome Historic District, and others). More recently, ADSW actively participated in the process around the Silver Spring Downtown and Adjacent Communities Plan (SSDAC), during which we strongly and repeatedly supported the Plan's proposal to add Weller's to the Master Plan for Historic Preservation. We also defended the Plan's approach of keeping Fenton Village as a diverse, small-scale, commercial district.

SSDAC Sector Plan Supports Designation

The SSDAC sector plan for downtown Silver Spring singled out Weller's for Master Plan evaluation. It was the Planning Board itself that proposed preservation of Weller's in the public hearing draft it

forwarded to the County Council in late 2021.¹ The Council agreed, and Weller's is in the final sector plan approved by the Council and the M-NCPPC. The inclusion of Weller's was not in any way an afterthought.

For more than 20 years, Weller's has been publicly identified by planners, preservationists, and community residents as a gem to be preserved.² A 2002 survey of the CBD sector plan for downtown Silver Spring identified the Weller's building and sign – then only about 40 years old – as a candidate for Master Plan evaluation at any time, and possibly eligible for National Register listing when it turned 50.³ In 2011, Clare Lise Kelly, then Senior Architectural Historian for the Montgomery County Planning Department, blogged about Weller's as “Building of the Month,”⁴ and in 2015, she spotlighted Weller's as a “well-preserved example of Googie architecture” in her comprehensive chronicle of mid-century modern architecture in the county, *Montgomery Modern*.⁵

In anticipation of the opportunities offered by the upcoming downtown Silver Spring sector plan update, the HPO staff in the Planning Dept. contracted with EHT Tracerics in 2020, when the Weller family still owned Weller's, to research and prepare a form for the Maryland Inventory of Historic Properties,⁶ and secure an inventory number. The proposed designation of Weller's was included in the very first working draft produced by the Planning staff.

The SSDAC's support for designating Weller's is not only reflected in the explicit provision providing for its evaluation and encouraging its adaptive reuse if the occupant and use change,⁷ but it is also reflected in what is explicitly *not* in the plan. The SSDAC recommended redevelopment of the Safeway site catty-corner from Weller's, and it specified certain opportunity sites and improvements for Fenton Village. However, the SSDAC did *not* designate the Weller's corner lot or any part of that east side stretch of Fenton Street in Fenton Village as an opportunity site for redevelopment.⁸ Instead, the SSDAC calls for keeping Fenton Village largely intact as a district hospitable to diverse small businesses – something the community overwhelmingly supported.

In short, the SSDAC represents a consensus by county officials that Weller's is strongly deserving of consideration for placement in Master Plan. Since the Plan's adoption, the Historic Preservation Commission (HPC) has fulfilled its role by voting to recommend that the Weller's building and sign

¹ Mont. Planning, *Silver Spring Downtown and Adjacent Communities Plan, Public Hearing Draft*, at 133 (Fall 2021), available at https://montgomeryplanning.org/wp-content/uploads/2021/10/SSDAC-Public-Hearing-Draft_FINAL.pdf.

² See Mont. Planning, “Weller's Dry Cleaning,” Timeline, at <https://montgomeryplanning.org/planning/historic/research-and-designation/wellers-dry-cleaning/>.

³ Potomac Hudson Engineering, *Historic Sites Survey Report: Silver Spring Central Business District*, at 22 (Dec. 2002), available at http://www.montgomeryplanningboard.org/agenda/2008/documents/20080612_resource-ss_cbd-survey1_print.pdf.

⁴ Clare L. Kelly, *The Third Place, A Montgomery Planning Department Blog* (Mar. 10, 2011), available at <https://montgomeryplanning.org/blog-design/2011/03/building-of-the-month/>.

⁵ Clare L. Kelly, *Montgomery Modern*, at 94, 96-97 (M-NCPPC, 2015) [hereinafter *Montgomery Modern*].

⁶ Maryland Inventory of Historic Properties Form, See Appendix 9, beg. at 45, in *Appendix: Weller's Dry Cleaning (#36-86-1), 8237 Fenton Street, Silver Spring, Md 20910, Master Plan for Historic Preservation Designation Form, December 2022*, available at https://montgomeryplanningboard.org/wp-content/uploads/2023/02/3_Appendix.Weller.DesignationForm.pdf [hereinafter *Weller's Designation Form*].

⁷ Mont. Planning, *Silver Spring Downtown and Adjacent Communities Plan*, at 186 (Approved and Adopted June 2022), available at <https://montgomeryplanning.org/wp-content/uploads/2022/11/Silver-Spring-DAC-Approved-Adopted-web.pdf> [hereinafter *Final SSDAC*].

⁸ See *id.*, at 44-45.

be placed on both the Locational Atlas and in the Master Plan.⁹ This Planning Board should finish the job.

Weller's Is an Excellent Specimen of Googie Architecture

As thoroughly documented in the staff's Public Hearing Draft for the Board,¹⁰ as well as in EHT Tracerics' MIHP form and Kelly's book on modern architecture in the county, Weller's is an excellent specimen of Googie-style architecture, a futuristic exuberant form of modern architecture that originated in Southern California and is characterized by cantilevered roofs, sharp angles, abstract shapes, bold colors, and integrated, eye-catching signage that produced an effect that was hip, casual, accessible, and fun.

Even GoBrent Realty, the real estate/leasing agent selected by Weller's current owners to market the building to a new tenant last summer, advertised the building as a "distinctive property," highlighting its "mid-century modernist 'Googie' style architecture" as a selling point to attract a new tenant.¹¹ Googie is *still* uniquely cool.

But, Googie buildings like Weller's are increasingly rare in Montgomery County. The Prestige Exceptional Fabricare building on Georgia Ave. in Silver Spring is unprotected and doesn't come close to Weller's dramatic features. The signage at Glenmont Shopping Arcade is under threat from center redevelopment. Other great examples are either long gone (e.g., the Hechinger's store in Rockville) or are being demolished one-by-one, such as the Huggins gas station in Kensington¹² that came down just last week. The cumulative effect is that we lose an entire style of architecture and an entire era of our history. We end up with the "bland" homogeneity of architecture that seems to be overtaking cities across the country,¹³ wiping out diversity in our built environment and erasing our community's unique character that contributes to a city's sense of place.¹⁴

⁹ Mont. Planning, Edward U. Taylor Elementary School and Weller's Dry Cleaning: *An Amendment to the Master Plan for Historic Preservation*, staff report completed Feb. 16, 2023, at 1, *available at* <https://montgomeryplanningboard.org/wp-content/uploads/2023/02/HP-Master-Plan-Amendment-Taylor-School-and-Wellers-2-23-23.pdf>.

¹⁰ See Mont. Planning Dept., Edward U. Taylor Elementary School and Weller's Dry Cleaning: *An Amendment to the Master Plan for Historic Preservation: Public Hearing Draft*, at 31-37 (Jan. 2023), *available at* <https://montgomeryplanning.org/wp-content/uploads/2023/01/Taylor-Weller-Public-Hearing-Draft.pdf> [hereinafter *Public Hearing Draft*].

¹¹ GoBrent listing for 8237 Fenton St., *available at* <https://gobrentrealty.com/properties/8237-fenton-street/>.

¹² See generally Mont. Cty. Planning Bd., Resolution approving Site Plan No. 820220030 (May 31, 2022), Crossroads of Kensington, *available at* <https://eplans.montgomeryplanning.org/UFS/32890/99600/30-PBRESandMailingList-820220030.pdf/30-PBRESandMailingList-820220030.pdf>.

¹³ Anna Kodé, "America, The Bland," *N.Y. Times* (Jan. 20, 2023), *available at* <https://www.nytimes.com/2023/01/20/realestate/housing-developments-city-architecture.html>. Unfortunately, the apartment buildings that have recently gone up in Silver Spring look very much like the buildings pictured in this article.

¹⁴ The SSDAC made a similar point: "The preservation of select historic resources is critical if the downtown is to develop in a way that reflects the authenticity and unique qualities of Silver Spring. The community's sense of place relies upon several historic buildings Adaptive reuse of historic buildings provides texture and depth to the architectural character of the Plan area. The resources are thoughtfully designed, often focus on the pedestrian-level, and stand out in the urban landscape. They are manifestations of the community's collective identity. *Final SSDAC Plan*, *supra* n. 7, at 180.

Weller's Meets the Criteria for Designation and Master Plan Framework

The earlier Designation Report¹⁵ and recent Public Hearing Draft¹⁶ prepared by the Planning staff convincingly make the case that the Weller's building and sign meet at least two criteria for architectural and design significance: Weller's embodies the distinctive characteristics of a type, period or method of construction (2A), and it represents an established and familiar visual feature of the neighborhood, community, or county due to its singular physical characteristic or landscape (2E). The Art Deco Society strongly agrees. Weller's and its signage embody many of the character-defining features of the distinctive style known as Googie architecture, and should be considered together as one historic resource. Moreover, due to its singular style and long-time presence in its current location, Weller's is an important, place-making resource for Fenton Village, the downtown area, and the entire community.

It has not escaped anyone's notice that, soon after the last scheduled Planning Board hearing on Weller's was postponed, the owners allowed the new tenant to encase the building in a coat of beige paint, which had the effect of masking, but certainly not erasing, the building's brick and colorful porcelain enamel panels. All of the character-defining structural features of the building are still very much intact. It's just paint, and paint is superficial and can be removed¹⁷ – including from the porcelain enamel panels,¹⁸ or they replaced with like-kind materials since porcelain enamel panels are still made and used in construction.¹⁹ Glass can be replaced. Similarly, the content of the signage was altered when the owners/tenant removed and disposed of the Weller's sign panels from their metal frames, but the metal frames and whimsical clock are still there. The case for designation and protection of Weller's remains unaffected by the unfortunate alterations. Should the building be designated, the owners could take advantage of tax credits to help finance the paint removal and restoration.

In addition to meeting the designation criteria, the Master Plan indicates that priority should be given to buildings offering public benefits such as enhancing neighborhoods and communities.²⁰ Preservation of Weller's is not only important in and of itself, it is important to the preservation and enhancement of Fenton Village. By being a small-scale affordable commercial building, Weller's bolsters the small-business district that is Fenton Village. In fact, Weller's is not just one more small building; Clare Kelly stated that “the space-age design of the 1960 [sic] Weller's Dry Cleaning building serves as a *gateway* to a Fenton Street shopping district of [additional colorful midcentury buildings].”²¹

Preservation groups, including ADSW, were among the strongest defenders of preserving Fenton Village during the sector plan process; we advocated to keep Fenton Village accessible to small

¹⁵ *Weller's Designation Form*, *supra* n. 6, at 9-11.

¹⁶ *Public Hearing Draft*, *supra* n. 10, at 34-35.

¹⁷ See generally, Anne E. Grimmer, *Keeping It Clean: Removing Exterior Dirt, Paint, Stains and Graffiti from Historic Masonry Buildings* 18-19 (Nat'l Park Service, 1988), at <http://npshistory.com/publications/preservation/keeping-it-clean.pdf>.

¹⁸ Thomas Jester, ed., *Twentieth-Century Building Materials: History and Conservation*, 223, 229 (Getty Conserv. Inst., 2014) (“Paints can be removed [from porcelain panels] with proprietary strippers, but caustic ones, which can etch the porcelain enamel, should be avoided”), at <https://www.getty.edu/publications/resources/virtuallibrary/9781606063255.pdf>.

¹⁹ See generally, Porcelain Enamel Institute, at https://www.porcelainenamel.com/about_pei/architectural/.

²⁰ *Master Plan for Historic Preservation in Montgomery County*, at 21 (M-NCPPC, Sept. 1979), available at <https://montgomeryplanning.org/wp-content/uploads/2021/06/Master-Plan-for-Historic-Preservation.pdf>.

²¹ *Montgomery Modern*, *supra* n. 5, at 94 (emphasis added).

businesses and immigrant entrepreneurs. ADSW argued that “[t]he community appreciates the area’s history of: providing a toehold for small entrepreneurs, often recent immigrants; nurturing small businesses that serve diverse communities; and maintaining the small-scale of its older buildings and nearby street parking.”²² The small scale and affordability of the streamlined and midcentury modern buildings in Fenton Village are inextricably tied to the diversity that has flourished there. Fenton Village’s diversity is something to celebrate and preserve. That won’t continue if we fail to protect the small midcentury buildings there.

Historic Preservation Can Be Compatible with Redevelopment

ADSW is aware that the owners of Weller’s believe that historic preservation is incompatible with their aspirations for the site. Yet, done right, these interests are not mutually exclusive. Sometimes buildings are preserved and restored in a way that they continue with the same function, such as the AFI Silver Theatre & Silver Spring Shopping Center. More often, buildings are preserved and then adaptively reused for a new purpose. In both cases, preservation is often not just compatible with development, it actually elevates the appeal and function of the entire development.

For instance, take the new Modena Reserve senior living development in Kensington that was built on what used to be the Mizell Lumber & Hardware property. There were two small historic buildings on that site, the Mizell office and a former gas station. The developer preserved and adaptively reused them. Now, they are amenities for the new apartment building: one is a hair salon for residents, and within the next month, the other will be a café open to residents and the public alike.²³ ADSW contacted the developer who managed the Modena Reserve development. He indicated²⁴ that they never considered demolishing the two small historic buildings on the property; from the start, they planned to preserve, refurbish, reuse, and connect them to the apartment building. Perhaps the owners of Weller’s could do something similar with an adjacent apartment building. Or Weller’s could be a lobby. There are many design options that are possible.

In any case, the rights incident to property ownership are not absolute, but are subject to reasonable regulation for the benefit of the community. There are many types of regulation deemed in the public interest that can limit a property owner’s “rights” to do whatever they want with their business or property – laws and regulations on agriculture and the environment, on civil rights and public accommodations, on zoning, and on historic preservation. As a result, there are ample precedents for requiring preservation of a resource over an owner’s objection. And in many instances, the owner comes around after-the-fact and sees the value – including the financial value – in preserving a building as part of a new development. For example:

- Canada Dry/Silverton - The Silverton Townhomes on East-West Highway in Silver Spring incorporated the old Canada Dry bottling plant façade and lobby interior into the new development. Initially, the owner strongly opposed preserving any part of this Streamline Moderne masterpiece. But once the county decided to preserve a good portion of the street-

²² Statement of Art Deco Society of Washington to Mont. Cty. Planning Board Re: Silver Spring Downtown and Adjacent Communities Draft Plan, at 4 (Dec. 1, 2021), available at <https://montgomeryplanningboard.org/wp-content/uploads/2021/11/Item-8-Correspondence-Public-Hearing-for-Silver-Spring-Downtown-and-Adjacent-Communities-Plan-compressed-1.pdf> (p. 80 of 102).

²³ See first photo at Modena Reserve Kensington website, Gallery, <https://modenakensington.com/gallery/>.

²⁴ Telephone conversation of Deborah Chalfie, ADSW Preservation Chair, with Juan Cameron, Partner and Senior Managing Director, Development & Acquisitions, McCaffery (Feb. 17, 2023).

facing façade, the developer’s designers were delighted and enthusiastic, saving the interior lobby with its terrazzo and spiral staircase as well. The owner also changed its tune and now the striking Canada Dry façade is often featured in real estate ads for those condos.²⁵

- **Silver Theatre & Silver Spring Shopping Center** – Whether to preserve these two John Ebersson masterpieces unfortunately became a battle royale between the developer vs. the community and preservationists. The owners of the theatre-shopping center started vandalizing the buildings²⁶ to avert preservation, but both properties ended up being preserved on both the Atlas and in the Master Plan, and meticulously restored. They are now the crown jewels of downtown Silver Spring.

Conclusion

“Architecture tells the story of a place, and the erasure of [modern architecture] ... is the removal of an important chapter of social, political, economic, and cultural history.”²⁷

Weller’s is a beloved and long-time fixture in downtown Silver Spring, reflecting the suburban culture and space age themes of its time. It is an anchor in Fenton Village, and an architectural highlight of Montgomery County. The question before the Board is not necessarily an either-or issue. Preserving Weller’s can coexist with the owners’ desire to build an apartment building next door. The Art Deco Society urges the Planning Board to forward a recommended amendment to the *Master Plan for Historic Preservation* for Weller’s, AND to decide now to add it to the *Locational Atlas & Index of Historic Sites*, so that the building is protected during the remainder of the County’s deliberations.

Thank you for your consideration of our views. We would welcome any questions you may have. For further information, contact Deborah Chalfie, at dchalfie@adsw.org.

²⁵ See e.g., McEneaney Assoc. listing for 1201 East West Highway, #205, at <https://www.mceneaney.com/real-estate/1201-east-west-highway-205-silver-spring-md-20910/mdmc2050436/123692148>.

²⁶ See Benjamin Forgey, “The Vanishing Silver,” *Washington Post* (Aug. 30, 1984), available at <https://www.washingtonpost.com/archive/lifestyle/1984/08/30/the-vanishing-silver/bcc8541d-be43-4311-a995-e78d6fde3552/>.

²⁷ Paraphrase of The Cultural Tutor, Tweet on Brutalism (Jan. 17, 2023) available at https://twitter.com/culturaltutor/status/1615387835967868928?utm_source=substack&utm_medium=email.